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ALEXANDER L. STEVAS,
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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

No. 82-791

TEACHERS INSURANCE AND ANNUITY ASSOCIATION and
COLLEGE RETIREMENT EQUITIES FUND,

Petitioners,

v.

DIANA L. SPIRT et al.,

Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Second Circuit

RESPONSE OF RESPONDENT AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS TO PETITIONERS' MOTION FOR EXPEDITED CONSIDERATION OF THE PETITION FOR CERTIORARI

Respondent American Association of University Professors ("AAUP") does not object to so much of the motion as requests an abbreviated time for responding to the petition for certiorari.

The AAUP, which received one service copy of the petition, appendix and motion on November 9, does not need the full thirty-day period allowed under Rule 22.1 for the preparation of a brief in

opposition. The AAUP can and will have its brief filed by Tuesday, November 23. The AAUP respectfully suggests, therefore, that that portion of the petitioners' motion relating to the expedited filing of briefs in opposition be granted, and that November 23 be established as the filing deadline for that purpose.

The AAUP opposes that portion of the motion that calls for this case to be set down for argument on the same date as Arizona Governing Committee v. Norris,[1] if the petition in this case be granted. As the motion itself shows, Norris is predicated on facts and raises legal issues that differ substantially from those presented in this case and in Peters v. Wayne State University.[2] The petitioners correctly state in their motion that "[t]he focus in Norris is quite different from that in Spirt and Peters."[3] That being undisputed, the AAUP respectfully contends that there is no reason why the latter two cases should be heard in conjunction with Norris. There is also no reason why the matter should be addressed until the Court is prepared to act on the petitions for certiorari in this case and Peters.

In sum: the AAUP has no objection to an expedited briefing schedule on the petition in this case, under which briefs in opposition would be due by November 23. The AAUP believes, in fact,

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[1] No. 82-52, petition for cert. granted, 51 U.S.L.W. 3276 (U.S. Oct. 12, 1982).

[2] No. 82- ____, petition for cert. filed November 10, 1982.

[3] Motion at 4. The differences are described in two long paragraphs on pages 3 and 4 of the motion.

that there are good reasons for expedition in light of the probable acceleration of the briefing schedule in Peters. Peters is so closely related to this case that it makes practical sense to brief and consider the two cases in tandem. This, however, is because of the relationship of the two cases to each other, not because of their relationship to Norris. There is no reason why all three cases should be heard together.

Respectfully submitted,

Lawrence White

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November 10, 1982

CERTIFICATE OF SERVICE

In accordance with Rule 28 of the Rules of this Court, I hereby certify that on November 10, 1982, one copy of the foregoing "Response of Respondent American Association of University Professors to Petitioners' Motion for Expedited Consideration of the Petition for Certiorari" was served on counsel for each party required to be served, as follows:

By hand delivery, to the office of Rogers & Wells, 1737 H Street, N.W., Washington, D. C. 20006.

By first-class mail, postage prepaid, to:

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A Member of the Bar of this Court